



5
Skapans
11C 1-10-92
041

#5 ELECTION
1-28-92
EBC-SP-0091

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Serial No: 07/648,080

Group: 118

In re: Bailey, Jean W. et al.;

Filed: 1/15/91

For: Batteries with Tester Label

RESPONSE A
RESPONSE TO RESTRICTION REQUIREMENT

Hon. Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir:

Responsive to the Restriction Requirement of January 9, 1992,
Applicant hereby elects to prosecute the inventions claimed in Claims 1-44. Applicant retains the right to file a divisional application on non-elected Claim 45.

Applicant traverses the restriction because undue search of both classes is not required. Claims 1-44 claim a battery and battery tester combination. Claim 45 covers methods for making batteries with the tester label. In searching either class, the other class will necessarily be searched. References disclosing battery and battery tester combinations will necessarily teach methods for making such combinations, while methods for making the combinations will necessarily disclose the combination. Therefore, both classes will be searched

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents & Trademarks, Washington, DC 20231

on January 14, 1992

Name

Robert W. Welsh

31,687

Reg. No.

Signature

January 14, 1992

Date

Date: January 14, 1992

Respectfully Submitted;

Robert W. Welsh

Robert W. Welsh
Attorney for Applicant
Reg. No. 31,687

RECEIVED
92 JAN 22 PM 3:29
GROUP 110